

Medardo Perez,
Complainant,

v.

Tyson Foods, Inc.,
Respondent.

NOTICE OF FINDING UPON REMAND

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following Notice of Finding with respect to the above-referenced case. Probable cause does not exist to believe that an unlawful discriminatory practice occurred. 910 IAC 1-3-2(c)

On February 4, 2011, the Deputy Director issued a Notice of Finding that there was no probable cause to believe that Respondent had violated the Indiana Civil Rights Law as alleged. On February 15, 2011, Complainant appealed this finding to the full Commission. On July 22, 2011, the Commission remanded the complaint for further investigation, to include interviews of witnesses identified by Complainant. The investigator has completed the interviews of four (4) such witnesses. No facts discovered in these interviews substantiate Complainant's claims of unlawful discrimination due to a disability. While the witnesses did confirm that employees of Respondent sometimes made fun of Complainant by imitating his limp, such behavior is not so severe as to rise to the level of unlawful harassment creating a hostile work environment. Furthermore, there is no evidence that such behavior, in fact, adversely affected Complainant's ability to perform his job or otherwise led to any adverse employment action (ie. loss of wages, benefits or hours).

October 7, 2011
Date

Joshua Brewster, Esq.
Deputy Director
Indiana Civil Rights Commission